

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

January 27, 2000 LB 175

increase the property under the Disposition of Unclaimed Property Act from \$250 to \$1,000. It now reads that a property that is worth less than \$1,000 can be kept, sold, or destroyed without further notice. It does allow landlords to increase the security deposits up to an amount not to exceed two months rent, and a pet deposit not to exceed one-half of one month's rent. And the final section which is, frankly, the most important part of the bill changes the time frame of which an uncontested trial of the action for possession shall be held not less than ten days or more than fourteen days after the issuance of the summons to not less than five days, not more than seven days. It also provides that possession of property shall be restored to the plaintiff after a judgment is rendered against the defendant within five days of issuance of the writ of restitution. This is important; there was a bill a few years ago that was introduced that, basically, changed the time frame for all trials of action for possession. I would not have agreed to introduce this bill had it been under the prior theory. This, the significant change here is that we're only talking about uncontested trials of action. I don't think anyone in the Legislature wants to expedite an action for possession from someone who by no fault of their own is laid off and gets unemployed, injured, and somehow can't pay their rent. We want to make sure that they work with the landlords to work out a deal to stay in their dwelling. This would apply only to uncontested trials of action for possession. I think that is a significant change. If you do have a compelling reason why you are behind in your rent, and so forth, simply contest it, and the present rules, the present statute prevails. That's what we use. But if you do not want to contest it, if you are not responsive, then we believe that there should be an expedited procedure, thereby preserving the quality of that apartment. In the vernacular, sometimes as...because of the process, the length of process, at times an individual may "trash" the place, that is not the action someone who is contesting a removal, that's not the action someone who has fallen on hard times. So, and then every time that there is damage to a apartment or rental property, the landlord does have to take that property out of circulation of the marketplace in order to have time and expense to replace, repair, refit, renovate. So in order to keep that property in the marketplace as quickly as possible and to encourage people in this industry to maintain their